

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

Kirk Wayne McBride, Sr.,
Petitioner

v.

Doug Dretke, Director,
Texas Department of Criminal
Justice—Institutional Division

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C.A. NO. C-05-534

MEMORANDUM OPINION AND ORDER GRANTING SUMMARY JUDGMENT

On March 23, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 18). Objections were timely filed (D.E. 22). Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, defendant's motion for summary judgment (D.E. 14) is granted. Petitioner's Certificate of Appealability is denied.

ORDERED this 8 day of May, 2006.


HAYDEN HEAD
CHIEF JUDGE